

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

ERIC BISHOP,

Plaintiff,

VS.

RIDE THE DUCKS INTERNATIONAL, LLC,
a foreign company; STATE OF
WASHINGTON; CITY OF SEATTLE; DOES
I-X AND ROES I-X.

Defendants.

NO.

NOTICE OF REMOVAL

JURY DEMAND

Defendant RIDE THE DUCKS INTERNATIONAL, LLC (“RTDI”) hereby files this Notice of Removal of the above-described action to the United States District Court for the Western District of Washington, Seattle Division from the Superior Court of the State of Washington, County of King, where the action is now pending, as provided by Title 28, U.S. Code, Chapter 89 and states:

1. Plaintiff filed Eric Bishop's Complaint Against Ride the Ducks International, LLC; the State of Washington and the City of Seattle (the "Complaint") in King County Superior Court under Cause No. 17-2-17834-9 SEA on July 7, 2017 seeking

NOTICE OF REMOVAL - 1

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ATTORNEYS AT LAW
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1 to recover alleged damages which RTDI reasonably believes to be in excess of
2 \$75,000.00. A true and correct copy of the Complaint is attached hereto as **Exhibit A**.

3 2. At the time the action was commenced in state court, RTDI was and still is
4 a limited liability company incorporated under the laws of the State of Missouri, with its
5 principal place of business in Branson, Missouri. RTDI is not a citizen of the state in
6 which this action was brought.

7 3. RTDI attaches to this Notice of Removal as **Exhibit B**, a true and correct
8 copy of a Stipulation and Order of Dismissal as to Defendants City of Seattle and State of
9 Washington Only, with Prejudice ("Stipulated Order of Dismissal") filed in the Superior
10 Court for the State of Washington, County of King in this matter on August 13, 2018. This
11 Stipulated Order of Dismissal dismissed the defendants the State of Washington and the
12 City of Seattle from this case with prejudice. As a result of the dismissal of the City of
13 Seattle and the State of Washington from this matter there is complete diversity between
14 the plaintiff Eric Bishop, who is a resident / citizen of Washington and the one remaining
15 defendant, RTDI which is a resident / citizen of Missouri. This Notice of Removal is
16 timely pursuant to 28 U.S.C. § 1446(b)(3) because it was filed within 30 days of the filing
17 of the Stipulated Order of Dismissal which was the document "from which it ... [was] first
18 ... ascertained that the case is one which ... has become removable."

19 4. The action described in Paragraph 1 of this notice is a civil action, of which
20 this Court has original jurisdiction under the provisions of Title 28, U.S. Code, § 1332,
21 and is one which may be removed to this Court by defendant pursuant to the provisions of
22 Title 28, U.S. Code, § 1441, in that it is a civil action wherein the matter in controversy
23 exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between
24 citizens of different states. There is complete diversity between all parties to this action.

5. RTDI will give written notice of the filing of this notice as required by 28 U.S.C. § 1446(d).

6. A copy of this notice will be filed with the clerk of the Superior Court of Washington, County of King as required by 28 U.S.C. § 1446(d).

7. Intradistrict Assignment Per LCR 101(e): This matter arose in Seattle, Washington so assignment to the Seattle Division of the United States District Court for the Western District of Washington at Seattle.

WHEREFORE, defendant Ride the Ducks International, LLC requests that this action proceed in this Court as an action properly removed to it.

DATED this 7th day of September, 2018.

FALLON McKINLEY& WAKEFIELD, PLLC

By s/ Scott C. Wakefield

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CERTIFICATE OF SERVICE

1 I hereby certify that on September 7th, 2018, I electronically filed the following
2 document(s):

3 1. NOTICE OF REMOVAL

4 with the Clerk of the Court using the CM/ECF system, which will send notification of such filing
5 to the following:

6 **Counsel for Plaintiff:**

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21 DATED this 7th day of September, 2018.

22 _____
23 *s/ Brooke Williams*
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